

**REMARKS**

Applicants have corrected the number of U.S. Patent No. 4,917,926 on page 2 of the specification.

Applicants also have corrected the spelling of "abherent" on page 8 of the specification.

Applicants also have amended page 8, lines 6 – 24 to tie the specific examples of materials to the rest of the specification.

Applicants also have amended claims 1 and 21 to more clearly point out their invention. Claims 2 – 4, 8 – 13, and 22 have been cancelled accordingly. The dependency of 5 – 7 and 14 – 19 also has been changed to conform to the amendments to claim 1.

These amendments are not the addition of new matter. Accordingly, Applicants respectfully ask that the Examiner enter them.

Applicants respectfully submit that amended claim 21 is allowable as no outstanding rejection of this claim remains.

Applicants respectfully traverse the rejection of claims 21 and 22 under 35 U.S.C. §112, second paragraph. Claim 21 now recites the particular order of the first, second, and third layers. Accordingly, Applicants respectfully ask that the Examiner withdraw this rejection.

Applicants respectfully traverse the objection to the specification under 35 U.S.C. §112, first paragraph. Page 8 now ties the specific examples of materials to the rest of the specification. Accordingly, Applicants respectfully ask that the

Examiner withdraw this rejection.

Applicants respectfully traverse the rejection of claims 8 – 13 under 35 U.S.C. §112, first paragraph, as being based upon a defective specification.

The amendments to page 8 obviate this rejection. In addition, page 4, line 1 – 6 and page 8, line 25 to page 10, line 24 also tie the list of specific materials to the specification. Accordingly, Applicants respectfully ask that the Examiner withdraw this rejection.

Applicants respectfully traverse the rejection of claims 1 – 4 under 35 U.S.C. 102(b) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Spies et al. Applicants also respectfully traverse the rejection of claims 5 – 21 under 35 U.S.C. §103(a) over Spies et al.

Applicants amended claims patentably distinguish over Spies et al. in the recitation of

a water dissolvable, continuous phase substrate,

a water dissolvable, continuous phase adhesive layer, and

a water dissolvable, continuous phase abherent layer and

wherein the water dissolvable, continuous phase adhesive layer is at least one organic compound incorporating one or more high polarity function groups selected from the group consisting of an acid functionality, an alcohol functionality, a ketone functionality, an aldehyde functionality, and an ester linkage.

Nowhere do Spies et al. disclose or suggest this.

Spies et al. do not disclose or suggest the water dissolvable, continuous phase adhesive layer and the water dissolvable, continuous phase adherent layer Applicants claim.

Spies et al. only disclose adhesives based on polymers of acrylic acid, other comonomers and a considerable amount of plasticizers or resins. More specifically, Spies et al. uses an adhesive that is a polymer of acrylic acid, butyl acrylate and vinylcaprolactam.

The release layers of Spies et al. are copolymers of amide/styrene, in particular N-stearylmaeamide and styrene, mixed with film-forming agents, in particular polyvinyl alcohols of various molecular weights and degrees of hydrolysis.

The Examiner states that he believes that the dependent claims read on well known polar functional groups and that they are believed to be obvious modifications.

Under 35 U.S.C. §103, the Examiner must at least expressly indicate where certain teachings and suggestions relied upon appear in the cited references. The Examiner has failed to indicate where Spies et al. show a water dissolvable, continuous phase adhesive layer of an organic compound incorporating one or more high polarity functional groups.

*fillers* In a similar fashion, Spies et al. fail to disclose the water insoluble phases in each of the three layers Applicants claim.

Applicants respectfully submit that Spies et al. do not disclose or suggest

the water dissolvable, continuous phase adhesive layer and the water dissolvable, continuous phase adherent layer Applicants claim.

The reference is deficient in teaching the key elements of Applicants' claims. The absence of the key elements of the claims in and of itself is sufficient to conclude that no case of obviousness has been established. The cited references do not suggest or teach the combination of elements as claimed by Applicants. The mere existence of those individual elements are not even found in the prior art.

Clearly, the reference fails to teach what Applicants claim.

The Examiner states that the elements of Applicants' claims are each believed to be obvious modifications in the absence of unexpected results.

Applicant respectfully submits that when the reference is deficient in teaching in the key elements of Applicants claims, the absence of the key elements of the claims in and of itself is sufficient to conclude that no case of obviousness has been established.

To ask for a showing of unexpected results when a *prima facie* case of obviousness has not been established, clearly is improper.

The present invention addresses the need for a water dissolvable adhesive tape by enabling such tape to be "self-wound," that is, to be directly wound onto itself on a spool without the inclusion of an intervening layer of release material between each layer of labels or tape. This is achieved through the use of combinations of adhesive layer formulations and release layer

formulations that are mutually abherent, that is, not susceptible to the formation of adhesive bonding, thereby allowing the easy unwinding of the tape for use.

This in and of itself is a showing of unexpected results.

In a similar fashion, Spies et al. fail to disclose the water dissolvable, continuous phase abherent layer Applicants claim in claim 16. Claim 16 recites that the water dissolvable, continuous phase abherent layer is lecithin.

The release layers of Spies et al. are copolymers of amide/styrene, in particular N-stearylmaleadamide and styrene, mixed with film-forming agents, in particular polyvinyl alcohols of various molecular weights and degrees of hydrolysis.

Clearly, the reference fails to teach what Applicants claim in claim 16.

Accordingly, Applicants respectfully ask that the Examiner withdraw the rejections under 35 U.S.C. §102 and 35 U.S.C. §103.

Applicants also respectfully traverse the rejection of claims 1 – 21 under 35 U.S.C. §103 (a) over Brown et al.

Applicants amended claims patentably distinguish over Brown et al. in the recitation of

a water dissolvable, continuous phase substrate,

a water dissolvable, continuous phase adhesive layer, and

a water dissolvable, continuous phase abherent layer and

wherein the water dissolvable, continuous phase adhesive layer is at least one organic compound incorporating one or more high polarity function

groups selected from the group consisting of an acid functionality, an alcohol functionality, a ketone functionality, an aldehyde functionality, and an ester linkage.

Nowhere do Brown et al. disclose or suggest this.

Brown et al. do not disclose or suggest a water dissolvable, continuous phase adhesive layer of an organic compound incorporating one or more high polarity function groups. Nor do they disclose a water dissolvable, continuous phase abherent layer of lecithin.

Brown et al. disclose a tacky pressure sensitive adhesive composition made up of a blend of:

A) a polymeric, solvent insoluble but solvent dispersible microparticle component; and

B) a water-dispersible polymeric component.

Neither of which suggest what Applicants claim.

As the Examiner points out, Brown et al. do not expressly teach the presence of the adhesive tape being wound upon a roll nor is the genus of a release coating expressly taught as being water soluble or water dispersible.

Clearly, Brown et al. is as deficient as Spies et al.

Claim 16 patentability distinguishes over Brown et al. in the recitation of the water dissolvable, continuous phase abherent layer being lecithin. Nowhere do Brown et al. disclose or suggest this.

Brown et al. do not disclose or suggest a water dissolvable, continuous

phase abherent layer of lecithin.

As the Examiner points out, Brown et al. do not expressly teach the genus of a release coating as being water soluble or water dispersible.

Accordingly, Applicants respectfully ask that the Examiner withdraw the rejections under 35 U.S.C. §103.

Clearly, Applicants have provided a unique solution to a special problem.

Therefore, Applicants respectfully submit that claims 1, 5 – 7 and 14 – 21 as amended are in condition for allowance and respectfully ask that the Examiner pass the claims to issue.

Respectfully submitted,

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& PORCELLO CO., L.P.A.



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